

REMARKS

Claims 15-34 are pending in the application.

Reconsideration of the rejection of claims 15, 18, 20, 22-31 and 34 under 35 U.S.C. 102(b) as being anticipated by U.S. 2,477,716 to Best et al is respectfully requested.

Claim 15 is directed to a fuel filter having

a filter housing,

at least one substantially elongated flat filter element contained in the housing, the at least one substantially flat filter element *being embodied overall as planar or flat in shape* having a clean side and a dirty side which are both substantially planar and are situated essentially parallel to each other, *the clean side being disposed between a first elongated surface of the flat filter element and a first side of the housing, and the dirty side being disposed between a second elongated surface of the flat filter element and a second side of the housing, which second elongated surface opposes the first elongated surface,*

a fuel inlet delivering fuel to be filtered into the housing and a fuel outlet delivering filtered fuel from the housing, and

at least one wall encapsulating the clean side or the dirty side of the filter element, the at least one wall being disposed between that side of the filter element and the filter housing, wherein the filter element and the at least one wall together constitute a filter insert which is inserted into the housing.

Best et al discloses a filter housing 5, filter element 31, inlet 14, outlet 22a, encapsulating walls 7, 8, clean side 9, and dirty side (above 14).

Although some of the elements are disclosed by Best et al, the invention differs in that the filter element is substantially flat and that the clean side and the dirty side are both substantially planar and are situated essentially parallel to each other on opposite sides of the filter element. The filter disclosed by Best et al lacks a flat filter element as intended by the invention, with planar and parallel sides, as described in the specification in [0006] *being embodied overall as planar or flat in shape*. Further, the reference fails disclose a flat design of a fuel filter with the encapsulated side disposed parallel and planar to the filter element.

There is no teaching whatsoever of this arrangement as presently recited, especially that the filter element and the at least one wall together constitute a filter insert which is inserted into the housing. Therefore, Best et al is deficient under 35 U.S.C. 102(b).

Therefore, Applicant believes that the present invention cannot be anticipated by Best et al and the current claims are distinguished over the prior art. Therefore, withdrawal of the rejection is respectfully requested.

Reconsideration of the rejection of claims 16, 17, 19, 21, and 32 under 35 U.S.C. 103(a) as being unpatentable over Best et al in view of U.S. 5,620,599 to Hopkins et al is respectfully requested.

Best et al is relied upon for disclosing the elements except for a folded filter material. Hopkins et al discloses a folder filter element 302. Neither Best et al taken alone or combined with the teachings of Hopkins disclose or suggest the recited structural arrangement as recited in claim 15. Neither of the filters disclosed by the cited references

Appl. No. 10/565,381
Amdt. dated July 9, 2009
Reply to FINAL Office action of April 10, 2009

have flat filter elements as intended by the invention *being embodied overall as planar or flat in shape*. None of the references appear to disclose a flat design of a fuel filter with the encapsulated side disposed parallel and planar to the filter element.

The addition of Hopkins et al to the primary reference does not make up for the shortcomings of Best et al and therefore cannot render the invention obvious as required under 35 U.S.C 103. Therefore, withdrawal of the rejection is respectfully requested.

Reconsideration of the rejection of claim 33 under 35 U.S.C. 103(a) as being unpatentable over Best et al is respectfully requested.

Best et al is relied upon by the examiner for a nondetachable connection between the housing part and the cover. Best et al fails to disclose or suggest the recited structural arrangement as recited in claim 15 as stated above. Therefore, withdrawal of the rejection is respectfully requested.

The filter disclosed by the Best et al lacks a flat filter elements as intended by the invention *being embodied overall as planar or flat in shape*. Best et al lacks a flat design of a fuel filter with the encapsulated side disposed parallel and planar to the filter element.

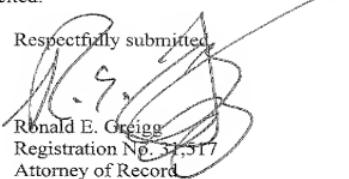
The examiner previously has appeared to give little consideration to the claim language regarding the flat planar design of the filter element and the encapsulated side. Applicant has clarified these distinguishing features in the independent claim. Therefore, withdrawal of all of the rejections and allowance of the claims is respectfully requested.

The above amendments are being made to place the application in better condition for examination.

Appl. No. 10/565,381
Amdt. dated July 9, 2009
Reply to FINAL Office action of April 10, 2009

Entry of the amendment is respectfully solicited.

Respectfully submitted,


Ronald E. Greigg
Registration No. 31,517
Attorney of Record
Customer No. 02119

GREIGG & GREIGG, P.L.L.C.
1423 Powhatan Street
Suite One
Alexandria, VA 22314

Telephone: (703) 838-5500
Facsimile: (703) 838-5554

REG/JAK/ncr

J:\Bosch\R306459\Reply to 4-10-09 Final OA.wpd